

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

Priya Saxena,)	
)	
Plaintiff,)	
)	
v.)	Civ. 5:25-cv-5035
)	
Kristi Noem, in her official capacity as	(
Secretary of Homeland Security;)	
the Department of Homeland Security;)	
and Todd Lyons, in his official capacity)	
as Acting Director of U.S. Immigration)	
and Customs Enforcement,)	
)	
Defendants.)	
_____)	

Memorandum in Support of
Motion to Extend Temporary Restraining Order

F. R. Civ. P. 65(b)(2) allows a court to extend a temporary restraining order (TRO) by fourteen days. The current order expires May 2. The TRO was issued because Saxena satisfied all the requirements for it. The Court balanced all *Dataphase* factors and determined that a TRO should be granted. The Court noted that termination of Saxena's F-1 student status in the SEVIS program rendered her immediately ineligible to graduate in her Ph.D. program on May 10; that she

“currently faces a potential fine, detention, deportation, and ineligibility for a future U.S. visa,” and that she “is left in an uncertain legal status with the termination of her SEVIS record, which constitutes a separate irreparable harm.” Doc. 8 at 5-6.

Since the TRO was issued, the parties agreed on a briefing schedule and a hearing date. Defendants’ brief was filed April 28. Defendants contend the case is moot; Saxena does not agree. Plaintiff’s brief is due May 9. Graduation is still May 10. The preliminary injunction hearing is May 13. By extending the TRO through May 16, the Court can allow Saxena to graduate as intended by the TRO, allow her to be protected from arrest until the preliminary injunction hearing, and allow itself three days after the hearing to decide whether to issue a preliminary injunction. So every consideration weighs in favor of extending the TRO through May 16, and nothing weighs against it. Saxena respectfully asks the Court to extent the TRO through May 16.

Dated: April 30, 2025

Respectfully submitted,

/s/ James D. Leach

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Certificate of Service

I certify that on April 30, 2025, I filed this document using CM/ECF, which will cause automatic electronic service to be made on defendants.

/s/ James D. Leach

James D. Leach